

**Planning Commission Meeting  
September 21, 1999**

The San Bruno Planning Commission held its regular meeting on Tuesday, September 21, 1999 in the City Hall Council Chambers. Chairman Marshall called the meeting to order at 7:05 P.M. Roll call found C. Schindler, Birt, Petersen, Johnson, Sammut present. Absent: C. Peterson. Staff present: George D. Foscardo, Community and Economic Development Director; Steve Padovan, Associate Planner; Grant Wilson, Associate Planner; Raffi Boloyan, Assistant Planner; Jonathan Lowell, City Attorney. C. Sammut led the assemblage in the Pledge of Allegiance.

**1. Approval of Minutes**

C. Petersen corrected page 8, 5<sup>th</sup> paragraph to read “. . . additions which are around 2,000 plus sq. ft.”. M/S Johnson, Schindler to approve minutes of August 16, 1999 as corrected; all ayes. Absent: C. Peterson

**2. Communications - None**

**3. Public Comment Items Not on Agenda - None**

**4. 700 El Camino Real**

**Request for an Architectural Review Permit , Use Permit and Parking Exception to construct a new 3,986 sq.ft. automotive service facility to replace an existing auto repair building and to allow a four space parking exception by providing nine (9) parking spaces where 13 are required along with related landscaping and parking improvements in the General Commercial Zone District; per Chapter 12.108 and Sections 12.96.110.C.10, 12.100.090 and 12.100.120. (Continued from August 16, 1999) Architectural Review 99-10, Parking Exception 99-02, Use Permit 99-28 (Public Hearing) Environmental Determination: Categorical Exemption Zoning: General Commercial (C)**

C. Marshall abstained from this item due to having business relations with the architect. C. Birt assumed as chair.

Mr. Padovan entered staff report dated September 21, 1999 into the record. Transparencies of the project were shown. C. Schindler suggested arrows be painted on the driveway to show the right entrance and left exit.

The public hearing opened. Ron Wilharm was present to represent the applicant, Midas Muffler. Mr. Wilharm said they worked with the architect to comply with the wishes of the planning staff and commission. C. Petersen asked why there would be a problem to incorporate the trash enclosure at the end of the building. Mr. Wilharm responded if the trash enclosure was inside the building they would not be able to get cars out of the bay or inside the building and it cannot be attached to the end of the building so that would block ingress and egress. The enclosure will be blocked by an eight foot high wall on Hensley Avenue so it will not be visible.

M/S C. Petersen, Schindler that the San Bruno Planning Commission approve Architectural Review 99-10, Parking Exception 99-02, and use Permit 99-28 pursuant to the following findings of facts and conditions; passed by the following vote:

AYES: C. Petersen, Schindler, Johnson, Sammut, Birt

NOES: None

ABSTAIN: C. Marshall

ABSENT: C. Peterson

**FINDINGS FOR APPROVAL**

1. Proper notice of the public hearing was given by legal notice published in the San Bruno Herald, Saturday, July 31, 1999, and notice mailed to property owners within 300 feet of the site on July 30, 1999.

2. Noticing of the public hearing, conduct of said hearing, and an opportunity for all parties to present testimony was completed in accordance with the San Bruno Municipal Code, Article III, Zoning, Chapter 12.132.

3. The applicant has been notified, both verbally and in writing herein, of the City's provision for an administrative appeal of the Planning Commission's final action to the City Council as provided for in the San Bruno Municipal Code, Article III, Chapter 12.140.

4. The Architectural Review Permit, Use Permit and Parking Exception to construct a new 3,986 sq.ft. automotive service facility to replace an existing auto repair building and to allow a four space parking exception by providing nine parking spaces where thirteen (13) are required along with related landscaping and parking improvements in the General Commercial Zone District at 700 El Camino Real will not be injurious or detrimental to the property and improvements in the neighborhood or to the general welfare of the city because the use is compatible with existing uses in the area and there is adequate parking and circulation.

5. If the following conditions of approval are adhered to, the Architectural Review Permit and Use Permit will not unreasonably restrict or interfere with light and air on the property and other property in the neighborhood, will not hinder or discourage the appropriate development and use of land and buildings in the neighborhood, nor impair the value thereof, and is consistent with the design and scale of the neighborhood.

6. The proposed project is categorically exempt and will not affect or damage natural resources or features. The facility is located in an urban environment within a predominantly developed commercial district.

7. The proposed use is consistent with the general plan which allows for automotive repair services in this commercial zone and there are similar uses in the property's vicinity.

8. The Conditions of Approval imposed on this request should adequately regulate and mitigate potential negative impacts that might be associated with this type of use.

9. The general appearance of the new facility is in keeping with the character of the commercial uses along El Camino Real and will not be detrimental to the adjacent real property because lighting and noise impacts are minimal, landscaping is improved and the size and scale of the building are similar to other buildings in the area.

10. The strict application of the provisions regarding parking requirements would cause particular difficulty or undue hardship in connection with the use and enjoyment of said property. The proposed expansion will allow for greater interior storage and a safer working environment for the employees. No increase in the number of service bays is proposed. Due to the small site area, there is an extremely limited potential for adding more parking. In addition, parking is available on-street and the nature of the use limits the need for parking as most customers either drop their vehicles off or wait while the vehicle is repaired in the facility.

11. The establishment, maintenance and/or conducting of the off-street parking facilities as proposed are as nearly in compliance with the requirements as set forth in this chapter as are reasonably possible. Nine spaces are proposed which is four less than required. As stated previously, parking is available on-street and the nature of the use limits the need for parking as most customers either drop their vehicles off or wait while the vehicle is repaired in the facility.

12. This project conforms with the San Bruno Redevelopment Project Area Plan adopted July 1999.

**CONDITIONS OF APPROVAL:**

1. The applicant shall file a declaration of acceptance of the following conditions by submitting a signed copy of the "Summary of Hearing" to the Department of Planning and Building within 30 days of Planning Commission approval. Until such time as the Summary is filed the Architectural Review Permit (AR-99-10), Use Permit (UP-99-28) and Parking Exception (PE-99-02) shall not be valid for any purpose. These permits shall expire one (1) year from the date of Planning Commission approval unless a building permit has been secured prior to the one year date.

2. The proposal to construct a new 3,986 sq.ft. automotive service facility to replace an existing auto repair building and to allow a four space parking exception by providing nine parking spaces where thirteen (13) are required along with related landscaping and parking improvements in the General Commercial Zone District at 700 El Camino Real shall be built according to the plans approved by the Planning Commission on September 21, 1999 labeled Exhibit "B" except as required to be modified by these conditions of approval. Any modification to the approved plans shall require prior review and approval by the Director of Planning and Building.
3. The applicant shall obtain a City building permit before construction can proceed.
4. All lighting fixtures shall direct light downward and shall be equipped with shades to focus lighting into the parking area and not onto adjacent properties. Maximum height of light standards shall be 10 feet.
5. All landscaping shall be automatically sprinklered and the site shall be maintained in a litter free state. The applicant shall enter into a Maintenance of Landscaping Agreement with the City prior to occupancy of the expansion.
6. A complete landscape plan and irrigation plan shall be submitted with the building permit plans. The following landscape improvements shall be included in the landscape plans:
  - A planter area shall be provided at the southwest corner of the building adjacent to the office entrance.
  - Provision of a berm along Kains with groundcover below the trees and assorted shrubbery.
  - The landscape strip between the sidewalk and the curb on Hensley shall be extended to the handicap ramp at Kains and shall be landscaped and irrigated. Install one additional 24" box street tree in the extended planter strip.
  - Three (3) street trees, minimum 24 inch box, shall be planted along Kains Avenue.
  - Wall climbing vegetation shall be planted and maintained along the block wall facing Hensley Avenue.
7. The applicant shall comply with the Public Works Department "Commercial Building Permit Application Requirements". In addition, the applicant shall comply with the following:
  - C Remove and replace all sidewalk, curb and gutter along Hensley and Kains Avenues and any damaged sidewalk, curb and gutter along El Camino Real. Replace all curb-cuts that are unneeded with sidewalk, curb and gutter.
  - C Show the existing water meter(s) on the drawing.
    - Install three(3) separate meters with backflow prevention for domestic, irrigation and fireflow. Provide hydraulic calculations for new meters.
  - C Show existing sewer lateral on the drawing. Show new sewer lateral if one is proposed. Install a sewer clean-out within 3'-0" back of the property line area, if one currently does not exist.
  - C Install a sidewalk curb drain to convey site run-off to the street.
    - An encroachment permit for any work in the City of San Bruno public right-of-way will be required.
    - Use City standard drawing for commercial driveway approach.
    - Install an oil water separator for the facility.
    - Construction work on El Camino Real will require Cal-Trans review and encroachment permit.
    - The applicant shall comply the all applicable BMP's during construction.
8. The applicant shall comply with all Fire Department Conditions.
9. The applicant shall comply with all Police Department Conditions.
10. The painting and sign posting for the handicap parking stall must comply with standards set forth in California Vehicle Code section 22511.8. The parking lot must also be posted in compliance with California Vehicle Code section 22658(a) to allow the removal of illegally parked vehicles.

11. Designated fire lanes must be painted in compliance with California Vehicle Code section 22500.1 and City Ordinance 7.16.040 D.

- A. On the curbs bracketing the entrance and exit as well as those bracketing the driveways.
- B. On all raised curbs in the parking lot which do not directly abut a parking space.

12. The trash enclosure shall be covered to prevent stormwater runoff into the City storm drains. All hazardous materials shall be stored within an enclosed, covered area and shall be stored within a secondary containment area.

13. Climbing vegetation shall be planted around the trash enclosure.

14. An anti-graffiti coating shall be placed on all blank walls.

15. No driveway access shall be permitted on Hensley Avenue.

16. Auto repair shall not be permitted in the parking lot or outside of the building.

17. The compressor/storage area on the east side of the building shall be covered and insulated for sound. Compressors shall not operate after regular business hours.

18. All HVAC equipment shall be roof mounted and screened by the building's parapet wall or a roof mounted screen. Equipment screen shall utilize colors and materials matching the building's exterior.

19. The trash enclosure shall be located a minimum of 15 feet from the Kains Avenue property line to provide visibility.

20. All new signage shall require a separate building and sign permit. No temporary signage shall be permitted on-site. Signage shall be limited to wall mounted signs facing Kains Avenue and El Camino Real and one pole sign on El Camino Real.

21. Prior to Final Inspection, all pertinent conditions of approval and all improvements shall be completed to the satisfaction of the City.

22. The driveway shall have entry and exit arrows painted on the road surface.

(C. Birt advised of the seven day appeal period).

C. Marshall assumed as chair.

**5. 1451 Claremont Drive**

**Request for a Use Permit to construct a 1,420 sq.ft. addition to an existing two story, single-family dwelling which results in a greater than 50% expansion to the existing gross floor area, results in a floor area ratio of .58 where .55 is allowed and exceeds 2,800 square feet of living area with a two car garage; per Sections 12.200.030.B.1, 2 & 5, 12.200.050.B and 12.200.080.A.3 of the San Bruno Zoning Ordinance. Use Permit 99-32 (Public Hearing) Environmental Determination: Categorical Exemption Zoning: Single Family Residential (R-1)**

Mr. Padovan entered staff report dated September 21, 1999 into the record. A digital photo presentation was provided.

The public hearing opened. Luis Robles, project designer, and Paul Uniacke, property owner, were present. Mr. Robles provided a sample of the proposed siding and also stated they would have to modify the six foot high fence. C. Johnson asked if consideration was given to providing additional parking. Mr. Robles responded

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additional parking would take away from the usable space on the side. Currently, two cars can be parked in the garage and two on the driveway. The owner may eventually pour a slab on the left side of the property.

The public hearing closed without objection.

M/S Johnson, Petersen that the San Bruno Planning Commission approve Use Permit 99-32 pursuant to the following findings of facts and conditions; passed by the following vote:

AYES: C. Johnson, Petersen, Sammut, Birt, Schindler, Marshall

NOES: None ABSENT: C. Peterson

**FINDINGS FOR APPROVAL**

1. Proper notice of the public hearing was given by legal notice published in the San Bruno Herald, Saturday, September 11, 1999, and notice mailed to property owners within 300 feet of the project site on September 9, 1999.
2. Noticing of the public hearing, conduct of said hearing, and an opportunity for all parties to present testimony was completed in accordance with the San Bruno Municipal Code, Article III, Zoning, Chapter 12.132.
3. The applicant has been notified, both verbally and in writing herein, of the City's provision for an administrative appeal of the Planning Commission's final action to the City Council as provided for in the San Bruno Municipal Code, Article III, Chapter 12.140.
4. The Use Permit to construct a 1,420 sq.ft. addition to an existing two story, single-family dwelling which results in a greater than 50% expansion to the existing gross floor area, results in a floor area ratio of .58 where .55 is allowed and exceeds 2,800 square feet of living area with a two car garage at 1451 Claremont Drive will not be injurious or detrimental to properties and improvements in the neighborhood or to the general welfare of the city because the addition complies with height and setback requirements of the San Bruno Zoning Ordinance, is compatible with surrounding residential densities, and is within the allowable development thresholds established by the Planning Commission.
5. The general appearance of the residential addition is in keeping with the character of the neighborhood and will not be detrimental to the adjacent real property because the design and materials will match the existing structure and the style of architecture is similar to other homes in the neighborhood.
6. The proposed addition will not unreasonably restrict or interfere with light and air on the property and other properties in the neighborhood, will not hinder or discourage the appropriate development and use of land and buildings in the neighborhood, or impair the value thereof, and is consistent with the design and scale of the neighborhood.
7. The construction of the addition to the existing residence is consistent with the San Bruno General Plan, which designates the property for low density residential purposes.
8. The off-street parking should be adequate for the residence.
9. The project is Categorically Exempt per the California Environmental Quality Act (CEQA) Guidelines Class 1, Section 15301: Minor expansion to an existing private facility.

**CONDITIONS FOR APPROVAL**

1. The applicant shall file a declaration of acceptance of the following conditions by submitting a signed copy of the "Summary of Hearing" to the Department of Planning and Building within 30 days of Planning Commission approval. Until such time as the Summary is filed, Use Permit UP-99-32 shall not be valid for any

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purpose. The Use Permit shall expire one (1) year from the date of Planning Commission approval unless a building permit has been secured prior to the one (1) year date.

2. The applicant shall obtain a City of San Bruno building permit before construction can proceed.
3. Prior to Final Inspection, all pertinent conditions of approval and all improvements shall be completed to the satisfaction of the City of San Bruno.
4. The proposed 1,420 sq.ft. addition to an existing two story, single-family dwelling which results in a greater than 50% expansion to the existing gross floor area, results in a floor area ratio of .58 where .55 is allowed and exceeds 2,800 square feet of living area with a two car garage at 1451 Claremont Drive shall be built according to the plans approved by the Planning Commission on September 21, 1999 labeled Exhibit "B", except as required to be modified by these conditions of approval. Any modification to the approved plans shall require prior review and approval by the Director of Planning and Building.
5. The residence and garage shall be used only as a single family residential dwelling unit. No portion of the residence or garage shall be rented out as a secondary residential dwelling unit.
6. The garage shall be used for the storage of motor vehicles and shall not be used as habitable living space as defined in the Uniform Building Code. Failure to conform to this condition is grounds for revocation of this permit.
7. The wooden fence along the perimeter of the lot shall be modified to meet City code. No fencing shall be permitted with 25 feet of the face of the street curb at the corner of the lot and the maximum height of all fencing within the front yard (facing Claremont Drive) shall be three (3) feet.
8. Address numbers must be at least four (4) inches in height, of a contrasting color to the background, and must be lighted during the hours of darkness.
9. Sliding doors and windows which are accessible from the ground (or on a balcony) must have lift out resisting hardware and secondary locks.
10. Add note on plan, "Install sanitary sewer clean-out per City standard".
11. The architect/engineer/designer shall ensure that the existing water and sewer service is sufficient for the additional use. Submit hydraulic calculation to the Engineering Department for review if upsizing is necessary.
12. Show lot drainage. No water shall be allowed to drain to the neighboring properties or onto the street. All water shall be contained on-site or intercepted and drained to the gutter using a curb drain.
13. Obtain encroachment permit and pay all applicable fees before commencement of any construction on the City right-of-way.
14. Materials and debris shall not be stockpiled within the City right-of-way.

NOTE: Conditions 10, 11 and 12 must be resubmitted and reviewed by the Public Works Department prior to issuance of any building permits.

(C. Marshall advised of the seven day appeal period).

**6. 998 Hensley Avenue**

**Request for a Use Permit and Variance to allow construction of a 608 square foot, two-story addition at the rear of an existing nonconforming single family dwelling which would result in a floor area ratio of .79 where .55 is allowed, living area in excess of 1,825 sq.ft. with a one car garage and a zero foot side yard setback on the south property line; per Sections 12.96.060.D.5, 12.200.030.B.2 & 5, 12.200.050.B and 12.200.080.A.2 of the San Bruno Zoning Ordinance. Use Permit 99-33 and Variance 99-05 (Public Hearing) Environmental Determination: Categorical Exemption Zoning: Single Family Residential (R-1)**

Mr. Padovan entered staff report dated September 21, 1999 into the record. A digital photo presentation was provided. Mr. Padovan stated the project is about 40 sq. ft. over the maximum allowed for a one car garage and the garage has non-bearing walls.

The public hearing opened. Gladys Cabrigas, sister of the applicant and owner, was present. Ms. Cabrigas stated there was a small storage area in the garage when she purchased the property and it would not be appropriate to put another car there. If the area is used as a garage, the whole front would need to be renovated. This is basically a one car garage home. C. Sammut pointed out the pad is only 7'9" from the stairs to the post. Mr. Padovan stated most garages do not have divided space. The idea is to minimize any future problems but if the post is removed, the garage could probably be used for parking one vehicle.

Mr. Petersen said the Architectural Review Committee did discuss removing those two walls and the possibility of putting a two car garage at the front of the building. However, the applicant did not want a two car garage but will provide a full width driveway at the front of the house. Also, if the walls in the garage were removed, another car still would not fit.

The hearing closed without objection.

C. Johnson stated if the garage walls remain, it looks like this could be turned into a habitable room. Mr. Padovan stated this area could not be considered habitable area and although removing the walls would not increase the parking, it does provide a way to preventing a second unit.

M/S Petersen, Sammut that the San Bruno Planning Commission approve Use Permit 99-33 and Variance 99-05 pursuant to the following findings of facts and conditions with a change to condition no. 6 allowing the walls in the garage to remain; passed by the following vote:

AYES: C. Petersen, Sammut, Birt, Schindler, Johnson, Marshall

NOES: None ABSENT: C. Peterson

#### **FINDINGS FOR APPROVAL**

1. Proper notice of the public hearing was given by legal notice published in the San Bruno Herald, Saturday, September 11, 1999, and notice mailed to property owners within 300 feet of the project site on September 9, 1999.

2. Noticing of the public hearing, conduct of said hearing, and an opportunity for all parties to present testimony was completed in accordance with the San Bruno Municipal Code, Article III, Zoning, Chapter 12.132.

3. The applicant has been notified, both verbally and in writing herein, of the City's provision for an administrative appeal of the Planning Commission's final action to the City Council as provided for in the San Bruno Municipal Code, Article III, Chapter 12.140.

4. The Use Permit and Variance request to allow construction of a 608 square foot, two-story addition at the rear of an existing nonconforming single family dwelling which would result in a floor area ratio of .79 where .55 is allowed, living area in excess of 1,825 sq.ft. with a one car garage and a zero foot side yard setback on the south property line at 998 Hensley Avenue will not be injurious or detrimental to properties and improvements in the neighborhood or to the general welfare of the city because the addition complies with

height and lot coverage requirements of the San Bruno Zoning Ordinance, is compatible with surrounding residential densities, and is within the allowable development thresholds established by the Planning Commission.

5. The general appearance of the residential addition is in keeping with the character of the neighborhood and will not be detrimental to the adjacent real property because the design and materials will match the existing structure and the style of architecture is similar to other homes in the neighborhood.

6. The proposed addition will not unreasonably restrict or interfere with light and air on the property and other properties in the neighborhood, will not hinder or discourage the appropriate development and use of land and buildings in the neighborhood, or impair the value thereof, and is consistent with the design and scale of the neighborhood.

7. The construction of the addition to the existing residence is consistent with the San Bruno General Plan, which designates the property for low density residential purposes.

8. This project conforms with the San Bruno Redevelopment Project Area Plan adopted July 1999.

9. The off-street parking should be adequate for the residence.

10. The project is Categorically Exempt per the California Environmental Quality Act (CEQA) Guidelines Class 1, Section 15301: Minor expansion to an existing private facility.

11. Due to the existing development of the subject property, the strict application of this article will deprive the property of privileges enjoyed by other properties in the vicinity and under identical zone classification. The subject property was built on the property line due to the narrowness of the lot. The denial of the addition which meets the majority of city zoning standards and does not effect surrounding property owners would constitute a significant hardship and deprive the property owner of privileges enjoyed by similar residential properties.

12. The granting of this variance, as conditioned, does not constitute a grant of special privilege inconsistent with the limitations upon other properties in the vicinity and in the zone district in which the subject property is located. The majority of lots in the surrounding area have some form of nonconforming setbacks and the ability to develop their property within the requirements of the Zoning Ordinance is similarly constrained and would justify the granting of a variance.

#### **CONDITIONS FOR APPROVAL**

1. The applicant shall file a declaration of acceptance of the following conditions by submitting a signed copy of the "Summary of Hearing" to the Department of Planning and Building within 30 days of Planning Commission approval. Until such time as the Summary is file, Use Permit UP-99-33 and Variance V-99-05 shall not be valid for any purpose. The Use Permit and Variance shall expire one (1) year from the date of Planning Commission approval unless a building permit has been secured prior to the one (1) year date.

2. The applicant shall obtain a City of San Bruno building permit before construction can proceed.

3. Prior to Final Inspection, all pertinent conditions of approval and all improvements shall be completed to the satisfaction of the City of San Bruno.

4. The proposed 608 square foot, two-story addition at the rear of an existing nonconforming single family dwelling which would result in a floor area ratio of .79 where .55 is allowed, living area in excess of 1,825 sq.ft. with a one car garage and a zero foot side yard setback on the south property line at 998 Hensley Avenue shall be built according to the plans approved by the Planning Commission on September 21, 1999



labeled Exhibit "B", except as required to be modified by these conditions of approval. Any modification to the approved plans shall require prior review and approval by the Director of Planning and Building.

5. The residence and garage shall be used only as a single family residential dwelling unit. No portion of the residence or garage shall be rented out as a secondary residential dwelling unit. Any kitchen or cooking appliances on the lower floor shall be permanently removed.

6. The garage shall be used for the storage of one motor vehicle and shall not be used as habitable living space as defined in the Uniform Building Code. Failure to conform to this condition is grounds for revocation of this permit.

7. The new addition shall utilize a stucco exterior and the existing plywood siding on the north and east elevations shall be removed and replaced with stucco. The entire dwelling shall be painted to match.

8. All drainage from the roof drains shall be contained within the property or drained directed to the City storm drain.

9. A "one hour" rated firewall shall be required for construction within three (3) feet of the property line.

10. Address numbers must be at least four (4) inches in height, of a contrasting color to the background, and must be lighted during the hours of darkness.

11. Sliding doors and windows which are accessible from the ground (or on a balcony) must have lift out resisting hardware and secondary locks.

12. Remove all debris and trash from the front yard prior to issuance of building permits.

13. The existing habitable area on the lower floor shall be legalized to conform with the current Uniform Building Codes.

14. Show lot drainage. No water shall be allowed to drain to the neighboring properties or onto the street. All water shall be intercepted and drained to the gutter using a curb drain.

15. The windows on the north elevation shall be double-hung windows matching the style of the existing windows on the side elevation. This property is within the 1983 Noise Contour Map as designated by the Federal Aviation Administration (FAA). Should this renovation equal or exceed 25% of the existing building's valuation, then the addition shall meet the noise insulation standards set by the FAA for residential dwellings.

16. Materials and debris shall not be stockpiled within the City right-of-way.

(C. Marshall advised of the seven day appeal period).

**7. 744 Hensley Avenue**

**Request for a Use Permit and Variance to allow the construction of a 240 square foot, two (2) story addition to an existing single-family home resulting in a Floor Area of 2,337 square feet (.78 Floor Area Ratio) where 1,650 square feet (.55 Floor Area Ratio) is allowed and the continuation of a zero (0') foot side-yard setback, where three (3') is required per Sections 12.200.030.B.2 and 12.96.070.D.4 of San Bruno Zoning Ordinance. Use Permit 99-34, Variance 99-06 (Public Hearing) Environmental Determination: Categorical Exemption Zoning: Low Density Residential (R-2)**

Mr. Boloyan entered staff report dated August 21, 1999 into the record. A digital photo presentation was provided. C. Marshall asked if there was a garage door at the rear and if this would be a two car tandem garage.. Mr. Boloyan responded there is a sliding door at the rear and the proposal calls for a one car garage.

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The public hearing opened. Savior Camilleri, the applicant and property owner, was present. In response to query from C. Sammut, Mr. Camilleri said the stairs at the back of the house are inside. Also, he does agree with the conditions of approval. C. Sammut asked about changing the siding at the rear of the house from vertical to horizontal. Mr. Boloyan stated the vertical siding will be replaced with lap siding.

M/S Johnson, Schindler that the San Bruno Planning Commission approve Use Permit 99-34 and Variance 99-06 pursuant to the following finding of facts and conditions; passed by the following vote:

AYES: C. Johnson, Schindler, Birt, Sammut, Petersen, Marshall

NOES: None ABSENT: C. Peterson

**FINDINGS FOR APPROVAL**

1. Proper notice of the public hearing was given by legal notice published in the San Bruno Herald, Saturday, September 11, 1999, and notice mailed to property owners within 300 feet of the project site on September 9, 1999
2. Noticing of the public hearing, conduct of said hearing, and an opportunity for all parties to present testimony was completed in accordance with the San Bruno Municipal Code, Article III, Zoning, Chapter 12.132.
3. The applicant has been notified, both verbally and in writing herein, of the City's provision for an administrative appeal of the Planning Commission's final action to the City Council as provided for in the San Bruno Municipal Code, Article III, Chapter 12.140.
4. The project is Categorically Exempt per the California Environmental Quality Act (CEQA) Guidelines Class 1, Section 15301: Minor expansion to an existing facility.
5. The Use Permit and Variance to allow the construction of a square foot , two story addition at the rear of an existing non-conforming single family dwelling at 744 Hensley avenue will not be injurious or detrimental to properties and improvements in the neighborhood or to the general welfare of the City because the addition complies with the height, parking, and lot coverage requirements of the San Bruno Zoning Ordinance, integrates well with the surrounding residential densities and structures, and falls within the allowable development thresholds previously approved by the Planning Commission.
6. The general appearance of the residential addition is in keeping with the character of the neighborhood and will not be detrimental to the adjacent real property because the design and material proposed will match the existing building, a portion of the existing material is being replaced to match the entire rear of the structure, and the style of architecture is similar to other homes in the neighborhood.
7. The construction of the addition to the existing single-family residence is consistent with the San Bruno General Plan, which designates the property for low density residential purposes.
8. This project conforms with the San Bruno Redevelopment Project Area Plan adopted July 1999.
9. The off-street parking should be adequate for the residence because one (1) covered parking space conforms to the requirements in relation to the amount of proposed living space and there is one space available in the driveway for an additional vehicle.
10. The project is Categorically Exempt per the California Environmental Quality Act (CEQA) Guidelines Class 1, Section 15301: Minor expansion to an existing private facility.
11. Due to the existing development of the subject property, the strict application of this article will deprive the property of privileges enjoyed by other properties in the vicinity and under identical zone classification.

The subject property was built on the property line due to the narrowness of the lot. The denial of the addition which meets the majority of City zoning standards and does not effect surrounding property owners would constitute a significant hardship and deprive the property owner of privileges enjoyed by similar residential properties.

12. The granting of this Variance, as conditioned, does not constitute a grant of special privilege inconsistent with the limitations upon other properties in the vicinity and in the zone district in which the subject property is located. The majority of lots in the surrounding area have some form of nonconforming setbacks and the ability to develop their property within the requirements of the Zoning Ordinance is similarly constrained and would justify the granting of a Variance.

**CONDITIONS FOR APPROVAL**

1. The applicant shall file a declaration of acceptance of the following conditions by submitting a signed copy of the "Summary of Hearing" to the Department of Planning and Building within 30 days of Planning Commission approval. Until such time as the Summary is filed, Use Permit 99-34 and Variance 99-06 shall not be valid for any purpose. The Use Permit and Variance shall expire one (1) year from the date of Planning Commission approval unless a building permit has been secured prior to the one (1) year date.

2. The applicant shall obtain a City of San Bruno building permit before construction can proceed.

3. Prior to Final Inspection, all pertinent conditions of approval and all improvements shall be completed to the satisfaction of the City of San Bruno.

4. The request for a Use Permit and Variance to allow the construction of a 240 square foot, two (2) story addition to an existing single-family home resulting in a Floor Area of 2,337 square feet (.78 Floor Area Ratio) where 1,650 square feet (.55 Floor Area Ratio) is allowed and the continuation of a zero (0') foot side-yard setback, where three (3') is required at 774 Hensley Avenue shall be built according to the plans approved by the Planning Commission on September 21, 1999 labeled Exhibit "B", except as required to be modified by these conditions of approval. Any modification to the approved plans shall require prior review and approval by the Director of Planning and Building.

5. The residence and garage shall be used only as a single family residential dwelling unit. No portion of the residence or garage shall be rented out as a secondary residential dwelling unit.

6. The garage shall be used for the storage of one motor vehicle and shall not be used as habitable living space as defined in the Uniform Building Code. Failure to conform to this condition is grounds for revocation of this permit.

7. The new addition shall be painted to match the existing building.

8. All drainage from the roof drains shall be contained within the property or drained directed to the City storm drain.

9. A "one hour" rated firewall shall be required for construction within three (3) feet of the property line.

10. Address numbers must be at least four (4) inches in height, of a contrasting color to the background, and must be lighted during the hours of darkness.

11. Sliding doors and windows which are accessible from the ground (or on a balcony) must have lift out resisting hardware and secondary locks.

12. The existing room and bathroom on the ground floor shall be brought up to current Uniform Building Code. This shall be illustrated on the plans at the time of building plan check.

13. Install a new sanitary cleanout at the property line.

14. The windows on the rear elevation shall be double-hung windows matching the style of the existing windows. This property is within the 1983 Noise Contour Map as designated by the Federal Aviation Administration (FAA) and has participated in the noise abatement program. Should this renovation equal or exceed 25% of the existing building's valuation, then the addition shall meet the noise insulation standards set by the FAA for residential dwellings.

15. Materials and debris shall not be stockpiled within the City right-of-way.

(C. Marshall advised of the seven day appeal period).

**8. 2341 Fleetwood Drive**

**Request for a Use Permit to allow a large family day care facility in a single-family residential (R-1) zoning district; per Sections 12.84.200 and 12.96.060 of the San Bruno Zoning Ordinance. Use Permit 99-31 (Public Hearing) Environmental Determination: Categorical Exemption Zoning: Single Family Residential (R-1)**

Mr. Padovan entered staff report dated September 21, 1999 into the record. A digital photo presentation was provided. Mr. Padovan stated since this is a two story structure, there is a requirement that it be fully sprinklered.

C. Marshall asked if poles would be required behind the garage and the number of employees. Mr. Padovan stated there would be a fire rated wall with two exits. There should be three full time employees and one part time. C. Birt inquired if the downstairs room was done with permits and the amount of area required per child. Mr. Padovan stated the applicant is currently going through the process of legalizing this area. The owners have removed some landscaping and built below the deck. The state regulates these types of facilities and the applicant will not receive a license if they cannot meet the requirements. C. Sammut asked if the use permit would be revoked if the applicant cannot meet the state regulations. Mr. Padovan stated the use permit would most likely expire, however, they could still have up to eight children without a use permit. The Fire Marshal inspects these sites on a yearly basis. C. Johnson said family day care licenses are different than child care centers. However, the typical ratio is one attendant per eight children.

C. Schindler said he visited the site and was concerned about the upper level play area since erosion has taken place and left a big hole which is a very hazardous condition. The area is about 16 x 16 and a guard rail is not provided. Mr. Padovan stated the applicant only allows children in the lower level play area.

The public hearing opened. Maritza Montecino, the applicant and property owner, was present. Ms. Montecino stated they do not use the outside upper level. The children come in through the garage or gate at the side. The Fire Department inspected the premises and stated it would not be necessary to have fire sprinklers if both levels are not used. C. Sammut asked the hours of operation. Ms. Montecino stated it would be 7:00 A.M. to 5:30 P.M. and she currently has six children including two of her own but is licensed for eight.

C. Sammut pointed out one of the neighbors did express concern with parking problems. C. Birt asked about naps for the babies. Ms. Montecino responded they all take naps downstairs and she does have a portable heater in that area. C. Johnson stated the garage door was opened and closed when she was there and this appeared to be a common entrance and exit. Ms. Montecino stated she opens the garage at 4:00 P.M. when the parents start to arrive and it stays open for one-half hour.

The public hearing closed without objection.

C. Johnson stated she could support the project if there was a letter or verification or confirmation of a license from the State Licensing Board. C. Petersen said it appears that safety is an important consideration, however, it appears the city's administrative code states the Planning Commission must give approval for a use permit

prior to the state acting on the application. Mr. Foscardo stated the staff report lists five findings which the Planning Commission must make for this application.

Mr. Lowell stated the ability to regulate this type of use is controlled by state law and the concerns expressed could fall within the city building and fire code.

C. Marshall introduced Will Graham, newly appointed Fire Chief. Chief Graham stated the real issue is do they meet life/safety requirements. The city is trying to set up a program for yearly fire inspections and the State Fire Marshal performs inspections every three years. Also, if both floors are used for the day care business, fire sprinklers will be required. However, if the second floor is not used for day care, fire sprinklers would not be required. The estimated cost for a fire alarm system is \$300-\$400 and about \$1.00 sq. ft. for a sprinkler system. C. Birt asked about the heating requirements. Mr. Padovan said the Building Code requires some type of permanent heating source.

C. Petersen said it appears the downstairs is used for childcare, however, the entrance to the house is on the second floor and if this would require a sprinkler system. Chief Graham said this issue would come back to the area of the house that must be protected. C. Johnson said she feels the application should be approved by all of the appropriate agencies prior to Planning Commission approval. Also, based on her observation this would not be a place for children and it is quite obvious that the children use the outside play area on the upper level. Ms. Montecino said the children do not go upstairs. Also, the use permit does not guarantee that she will receive a state license. C. Birt stated when she visited the site she noticed paint cans in the garage, lots of toys in the front yard, back stairs were dangerous, there were parking problems, and generally unsafe for children.

C. Sammut stated that on the required findings, the Commission has approved two or three of these large family day care homes in the past couple of years and there is no way to say noise is an issue. Parking could be an issue but there are also neighbors with multiple cars. The applicant can establish an area for pick-up and meets the parking standards. A state license will not be granted unless the facility is approved by the State Fire Marshal. As far as the "hole", a chain link fence could be placed around that to keep the children out. The biggest factor in this case is there is not a crowd of people protesting nor a stack of letters in opposition.

M/S Petersen, Schindler that the Planning Commission continue this item to October 5, 1999 and request a report from the Fire and Building Departments; passed by the following vote:

AYES: C. Petersen, Schindler, Birt, Johnson, Marshall  
NOES: C. Sammut ABSENT: C. Peterson

(Recess called at 9:00 P.M.; meeting reconvened at 9:10 P.M.)

Mr. Lowell explained that since the next six agenda items are very similar, planning staff will give a full staff report for the first item with summary reports for subsequent items. Each item will have a public hearing and if the same people wish to speak on an item, they can simply ask that the record reflect these comments.

#### **9. 2700 Oakmont Drive**

**Request for a parking exception for a single family home to allow the legalization of a garage conversion resulting in zero (0) covered off-street parking spaces where two (2) spaces were provided and required; per Sections 12.100.020, 12.100.090, and 12.100.120.A of the San Bruno Zoning Ordinance. Parking Exception 99-03 (Public Hearing) Environmental Determination: Categorical Exemption Zoning: Single Family Residential (R-1)**

Mr. Boloyan entered staff report dated September 21, 1999 into the record. A digital photo presentation was provided. Mr. Boloyan gave background information on elderly care facilities noting if there are six or less persons, a use permit is not required, however, they must conform to the city zoning ordinance. The ordinance requires two covered off street parking spaces, therefore, these applications are for parking exceptions. C.

Marshall inquired if all of these properties have already converted their garage to living space. Mr. Boloyan responded in the affirmative.

The public hearing opened. Pat Nobis, was present to represent the applicant. Mr. Nobis stated this situation occurred ten years ago when he initially leased the site. When plans were submitted to the State Licensing Department, showing this area would be used as staff quarters, the application was approved. Subsequently, other homes that he manages were developed in the same manner.

Mr. Nobis stated that findings 8 and 9 wherein it states this use would be detrimental to the neighborhood are unfounded since he provides a good service to the city and his residents. These homes provide an alternative to nursing homes. The employees live there five days a week and there are no shift changes. None of the staff members drive. They are proposing to use only one room in the garage. Two cars can be parked in the driveway. No one uses off-street parking during the evening and traffic throughout the day is very light with visitors. There is also minor delivery service. He is willing to have a deed restriction that if these properties are sold, the rooms would be removed.

Mr. Nobis stated he has a petition with 25 signatures supporting the request. Also, of the neighbors he spoke with, two opposed residential care facilities in the neighborhood and no one addressed the parking issue. These types of facilities have not decreased property values. Millbrae has 281 licensed beds, South San Francisco 203 and San Bruno 54, therefore, there is not a large concentration of these facilities in the city.

C. Marshall pointed out the staff report states the whole garage would be used. Mr. Boloyan clarified the original request was for a two space parking exception and he is unsure if a car could be parked in there if this room was legalized. C. Marshall stated it appears if this room is legalized, they would be adding 120 sq. ft. habitable area. Mr. Foscardo responded that normally when adding square footage which exceeds 50% of the existing area, and there is a two car garage, then a use permit would be required. In this instance, the remaining garage would be 150 sq. ft. making it a one car garage and additional habitable area would require an architectural review and a use permit.

C. Schindler asked the applicant the status of this residence when he assumed the lease. Mr. Nobis stated that was ten years ago and the room was there. The building on Wentworth also had a room in the garage, however, he put rooms in the other facilities. Mr. Boloyan stated there are no permits on file for these rooms. C. Marshall said if the property were sold with a deed restriction, the buyer would take it knowing the room was placed there illegally.

C. Sammut stated the issue is strictly about the rooms in the garage and asked Mr. Nobis what would happen to the facility if this room was removed. Mr. Nobis replied that would require them to make a room large enough to accommodate two staff members and remove two residents. C. Petersen asked about adding a room. Mr. Nobis responded there is that possibility but it looking at parking impacts, additional bedrooms could attract people with cars.

C. Johnson inquired about the size of the rooms and C. Marshall asked if the room measurements shown on the plans could be guaranteed. Mr. Nobis said he would like to have the opportunity to improve the rooms and make them more accommodating. He did not take measurements. Mr. Boloyan stated it would take a great deal of work to make this room habitable. Mr. Padovan stated a report regarding the number of facilities was received from Community Care Licensing dated July 1, 1999 showing Millbrae has 11, South San Francisco 18, and San Bruno 20.

C. Petersen said that during the past 20 years, he does not recall any application before the Commission requesting a portion of the garage parking area be turned into habitable space. Also, it would be inappropriate and unsuitable to build a room in the garage. C. Johnson asked about having staff on a rotational shift. Mr. Nobis stated that is not economically viable from the income these facilities make.

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Mike Kaiser, Fifth Avenue, the ceiling height in the garage is too low for a legal room. Request should be denied.

Orrin Deland, 2501 Oakmont Drive, asking for approval by default since these rooms are in. There is a lot of traffic and noise from sirens and ambulances. These homes should be spread throughout the city rather than concentrated in one neighborhood.

Veronica Wong, 2720 Oakmont Drive, knew the previous owner and there was no room in the garage. The caregivers do drive, there are ambulance noises, and also people signed the petition without reading it first.

Allan Kaufman, 2880 Oakmont Drive, originated the petition against these homes. His neighbors were outraged and those that signed the petition supporting the request were mislead.

Letter submitted by Mr. Kaufman from Victor Aguinaldo, 2800 Oakmont Drive, stated his daughter mistakenly signed the petition in favor. Concerned with the ambulance noise, constant visitors, and commercializing a residential area.

Myrtle Smith, 2620 Muirfield Circle, this was originally a three bedroom home and three additional rooms were converted so the request is not just a room in the garage but the other work done without permits. It is the owner's responsibility to ensure they are comply with the city laws. The issue is about making money, not the elderly.

Mark Tobin, Montgomery Avenue, he sees the problem as the owner not wanting to spend money to build an addition.

Erik Fernandez, 2760 Oakmont Drive, the owner should not take "freebies" but spend money for an addition.

Henry Crosby, Goodwin Drive, referenced agenda item no. 15 (2965 Longview Drive) wherein conditions for approval 4 and 6 prohibit using the property for anything other than a single family dwelling and converting the garage to living area indicating the same conditions relate to these elderly care homes.

The hearing closed without objection.

C. Marshall pointed out that previous applications before the Commission have been denied due to lack of accurate plans. Mr. Foscardo pointed out this is part of the applicant's due process and right to ask for a parking exception. However, there does not seem to be any basis for the Commission to make the findings to grant this exception. C. Petersen indicated 520 sq. ft. could be added on the second floor without planning commission approval. C. Johnson confirmed that a 24 hour care facility needs a sprinkler system. Chief Graham responded that would be correct if they had a second floor.

M/S Sammut, Petersen that the San Bruno Planning Commission deny Parking Exception 99-03 subject to the following findings of fact; passed by the following vote:

AYES: C. Sammut, Petersen, Birt, Schindler, Johnson, Marshall  
NOES: None                      ABSENT: C. Peterson

**FINDINGS OF FACT FOR DENIAL**

1. Proper notice of the public hearing was given by legal notice published in the San Bruno Herald, Saturday, September 11, 1999, and notice mailed to property owners within 300 feet of the project site on September 9, 1999.

2. Noticing of the public hearing, conduct of said hearing, and an opportunity for all parties to present testimony was completed in accordance with the San Bruno Municipal Code, Article III, Zoning, Chapter 12.132.
3. The applicant has been notified, both verbally and in writing herein, of the City's provision for an administrative appeal of the Planning Commission's final action to the City Council as provided for in the San Bruno Municipal Code, Article III, Chapter 12.140.
4. The project is Categorically Exempt per the California Environmental Quality Act (CEQA) Guidelines Class 1, Section 15301: Minor expansion to an existing facility.
5. The proposal is consistent with San Bruno General Plan, which designates the property for use by single-family residential uses.
6. The strict application of the provisions of this Chapter would not cause particular difficulty or undue hardship in connection with the use and enjoyment of said property because there are numerous options to increase living space without the conversion of the garage.
7. The establishment, maintenance and/or conducting of the off-street parking facilities as proposed are not in compliance with the requirements set forth in this chapter as are reasonably possible because the proposal will reduce existing off-street parking and substantially increase the demand for the limited supply of on-street parking.
8. The request for a parking exception to allow the legalization of a garage conversion will be detrimental to the health, safety, morals, comfort and general welfare of the persons residing in the neighborhood of the proposal because the reduction in off-street parking facilities will place an undue burden on the limited supply of on-street parking spaces on Oakmont Avenue.
9. The proposal will be injurious and detrimental to property and improvement in the neighborhood and to the general welfare of the City because the reduction of parking would cause a burden on the supply of on-street parking and be inconsistent with previous Planning Commission decisions to provide as much off-street parking as possible.

(C. Marshall advised of the seven day appeal period).

**10. 2820 Oakmont Drive**

**Request for a parking exception for a single family home to allow the legalization of a garage conversion resulting in zero (0) covered off-street parking spaces where two (2) spaces were provided and required; per Sections 12.100.020, 12.100.090, and 12.100.120.A of the San Bruno Zoning Ordinance. Parking Exception 99-04 (Public Hearing) Environmental Determination: Categorical Exemption Zoning: Single Family Residential (R-1)**

Mr. Boloyan entered summary staff report dated September 21, 1999 into the record. A digital photo presentation was provided. C. Sammut asked if there were any permits on file for work at this property. Mr. Boloyan stated permits were taken out for a two room addition to the rear of the home.

The public hearing opened. Lily Toy, 2820 Oakmont Drive, the owner and applicant, was present. Ms. Toy stated the building inspector came through the garage when she had inspections for the two rooms at the rear and did not indicate there was a problem. The room in the garage was not shown on the building plans for the rear addition. C. Petersen inquired how this room was not shown on the plan. Ms. Toy replied State Licensing and the Fire Marshal advised that it was acceptable to have the staff use the garage. Including this on the plan for the addition, would have put her over lot coverage.



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C. Sammut asked how her operation would be affected if this is denied. Ms. Toy responded two staff members would have to be moved into one of the resident's rooms thereby causing the removal of that resident.

The following speakers indicated to the chair they wished to reiterate the comments they made during the hearing on the previous item.

Mike Kaiser, Fifth Avenue, the ceiling height in the garage is too low for a legal room. Request should be denied.

Orrin Deland, 2501 Oakmont Drive, asking for approval by default since these rooms are in. There is a lot of traffic and noise from sirens and ambulances. These homes should be spread throughout the city rather than concentrated in one neighborhood.

Veronica Wong, 2720 Oakmont Drive, knew the previous owner and there was no room in the garage. The caregivers do drive, there are ambulance noises, and also people signed the petition without reading it first.

Allan Kaufman, 2880 Oakmont Drive, originated the petition against these homes. His neighbors were outraged and those that signed the petition supporting the request were misled. The applicant knew the room in the garage was illegal; this is all about making money.

Letter submitted by Mr. Kaufman from Victor Aguinaldo, 2800 Oakmont Drive, stated his daughter mistakenly signed the petition in favor. Concerned with the ambulance noise, constant visitors, and commercializing a residential area.

Myrtle Smith, 2620 Muirfield Circle, this was originally a three bedroom home and three additional rooms were converted so the request is not just a room in the garage but the other work done without permits. It is the owner's responsibility to ensure they are comply with the city laws. The issue is about making money, not the elderly.

Mark Tobin, Montgomery Avenue, can move the staff out of the garage and into the addition at the rear.

Erik Fernandez, 2760 Oakmont Drive, the owner should not take "freebies" but spend money for an addition.

Henry Crosby, Goodwin Drive, referenced agenda item no. 15 (2965 Longview Drive) wherein conditions for approval 4 and 6 prohibit using the property for anything other than a single family dwelling and converting the garage to living area indicating the same conditions relate to these elderly care homes.

The hearing closed without objection.

C. Birt stated with six rooms, it appears to be enough room for staff and five patients.

M/S Petersen, Schindler that the San Bruno Planning Commission deny Parking Exception 99-04 pursuant to the following findings of facts; passed by the following vote:

AYES: C. Petersen, Schindler, Sammut, Birt, Johnson, Marshall

NOES: None ABSENT: C. Peterson

**FINDINGS OF FACT FOR DENIAL**

1. Proper notice of the public hearing was given by legal notice published in the San Bruno Herald, Saturday, September 11, 1999, and notice mailed to property owners within 300 feet of the project site on September 9, 1999.

2. Noticing of the public hearing, conduct of said hearing, and an opportunity for all parties to present testimony was completed in accordance with the San Bruno Municipal Code, Article III, Zoning, Chapter 12.132.
3. The applicant has been notified, both verbally and in writing herein, of the City's provision for an administrative appeal of the Planning Commission's final action to the City Council as provided for in the San Bruno Municipal Code, Article III, Chapter 12.140.
4. The project is Categorically Exempt per the California Environmental Quality Act (CEQA) Guidelines Class 1, Section 15301: Minor expansion to an existing facility.
5. The proposal is consistent with San Bruno General Plan, which designates the property for use by single-family residential uses.
6. The strict application of the provisions of this Chapter would not cause particular difficulty or undue hardship in connection with the use and enjoyment of 2820 Oakmont Avenue because there are numerous options to increase living space without the conversion of the garage.
7. The establishment, maintenance and/or conducting of the off-street parking facilities as proposed are not in compliance with the requirements set forth in this chapter as are reasonably possible because the proposal will reduce existing off-street parking and substantially increase the demand for the limited supply of on-street parking during the evening and on weekends.
8. The request for a parking exception to allow the legalization of a garage conversion at 2820 Oakmont Avenue will be detrimental to the health, safety, morals, comfort and general welfare of the persons residing in the neighborhood of the proposal because the reduction in off-street parking facilities will place an undue burden on the limited supply of on-street parking spaces on Oakmont Avenue and negatively affect property values because of the lack of a garage.
9. The proposal will be injurious and detrimental to property and improvement in the neighborhood and to the general welfare of the City because the reduction of parking would cause a burden on the supply of on-street parking, be inconsistent with previous Planning Commission decisions to provide as much off-street parking as possible, and negatively affect property values because of the lack of a garage.

(C. Marshall advised of the seven day appeal period).

**11. 2840 Oakmont Drive**

**Request for a parking exception for a single family home to allow the legalization of a garage conversion resulting in zero (0) covered off-street parking spaces where two (2) spaces were provided and required; per Sections 12.100.020, 12.100.090, and 12.100.120.A of the San Bruno Zoning Ordinance. Parking Exception 99-07 (Public Hearing) Environmental Determination: Categorical Exemption Zoning: Single Family Residential (R-1)**

Mr. Boloyan entered a summary of staff report dated September 21, 1999 into the record. A digital photo presentation was provided. Mr. Boloyan stated there were no permits on record for this property. Mr. Foscardo stated this home has the same floor plan as 2700 Oakmont except the atrium area has not been converted to a bedroom.

The public hearing opened. Pat Nobis, the property owner, indicated to the chair he wished to reiterate the comments he made during the hearing for 2700 Oakmont Drive. C. Petersen inquired how many employees in the staff room. Mr. Nobis responded there are two and also he has not thought about putting a room in the atrium area.

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The following speakers indicated to the chair they wished to reiterate the comments they made during the hearing on the previous item.

Mike Kaiser, Fifth Avenue, the ceiling height in the garage is too low for a legal room. Request should be denied.

Orrin Deland, 2501 Oakmont Drive, asking for approval by default since these rooms are in. There is a lot of traffic and noise from sirens and ambulances. These homes should be spread throughout the city rather than concentrated in one neighborhood.

Veronica Wong, 2720 Oakmont Drive, knew the previous owner and there was no room in the garage. The caregivers do drive, there are ambulance noises, and also people signed the petition without reading it first.

Allan Kaufman, 2880 Oakmont Drive, originated the petition against these homes. His neighbors were outraged and those that signed the petition supporting the request were misled. The applicant knew the room in the garage was illegal; this is all about making money.

Letter submitted by Mr. Kaufman from Victor Aguinaldo, 2800 Oakmont Drive, stated his daughter mistakenly signed the petition in favor. Concerned with the ambulance noise, constant visitors, and commercializing a residential area.

Myrtle Smith, 2620 Muirfield Circle, this was originally a three bedroom home and three additional rooms were converted so the request is not just a room in the garage but the other work done without permits. It is the owner's responsibility to ensure they are comply with the city laws. The issue is about making money, not the elderly.

Mark Tobin, Montgomery Avenue, he sees the problem as the owner not wanting to spend money to build an addition.

Erik Fernandez, 2760 Oakmont Drive, the owner should not take "freebies" but spend money for an addition.

Henry Crosby, Goodwin Drive, referenced agenda item no. 15 (2965 Longview Drive) wherein conditions for approval 4 and 6 prohibit using the property for anything other than a single family dwelling and converting the garage to living area indicating the same conditions relate to these elderly care homes.

Fred Manss, Fleetwood Drive, when a single family home begins to hire and board employees, it then becomes a commercial business and this would mean different parking requirements. Also, the city is preempted by the state on these facilities.

The hearing closed without objection.

C. Schindler stated an expansion of this home could be done without any difficulty.

M/S Johnson, Schindler that the San Bruno Planning Commission deny Parking Exception 99-07 pursuant to the following findings of fact; passed by the following vote:

AYES: C. Johnson, Schindler, Birt, Sammut, Petersen, Marshall

NOES: None ABSENT: C. Peterson

**FINDINGS OF FACT FOR DENIAL**

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1. Proper notice of the public hearing was given by legal notice published in the San Bruno Herald, Saturday, September 11, 1999, and notice mailed to property owners within 300 feet of the project site on September 9, 1999.
2. Noticing of the public hearing, conduct of said hearing, and an opportunity for all parties to present testimony was completed in accordance with the San Bruno Municipal Code, Article III, Zoning, Chapter 12.132.
3. The applicant has been notified, both verbally and in writing herein, of the City's provision for an administrative appeal of the Planning Commission's final action to the City Council as provided for in the San Bruno Municipal Code, Article III, Chapter 12.140.
4. The project is Categorically Exempt per the California Environmental Quality Act (CEQA) Guidelines Class 1, Section 15301: Minor expansion to an existing facility.
5. The proposal is consistent with San Bruno General Plan, which designates the property for use by single-family residential uses.
6. The strict application of the provisions of this Chapter would not cause particular difficulty or undue hardship in connection with the use and enjoyment of 2840 Oakmont Avenue because there are numerous options to increase living space without the conversion of the garage.
7. The reduction of the off-street parking facilities as proposed is not in compliance with the requirements set forth in this chapter as reasonably as possible because the proposal will reduce existing off-street parking, substantially, increase the demand for the limited supply of on-street parking during the evening and on weekends, and constitute a granting of a special privilege not enjoyed by other similar single-family residences.
8. The request for a parking exception to allow the legalization of a garage conversion at 2840 Oakmont Avenue will be detrimental to the health, safety, morals, comfort and general welfare of the persons residing in the neighborhood of the proposal because the reduction in off-street parking facilities will place an undue burden on the limited supply of on-street parking spaces on Oakmont Avenue and negatively affect property values because of the lack of a garage.
9. The proposal will be injurious and detrimental to property and improvement in the neighborhood and to the general welfare of the City because the reduction of parking would cause a burden on the supply of on-street parking, be inconsistent with previous Planning Commission decisions to provide as much off-street parking as possible, and negatively affect property values because of the lack of a garage.

(C. Marshall advised of the seven day appeal period).

**12. 2860 Oakmont Drive**

**Request for a parking exception for a single family home to allow the legalization of a garage conversion resulting in zero (0) covered off-street parking spaces where two (2) spaces were provided and required; per Sections 12.100.020, 12.100.090, and 12.100.120.A of the San Bruno Zoning Ordinance. Parking Exception 99-08 (Public Hearing) Environmental Determination: Categorical Exemption Zoning: Single Family Residential (R-1)**

Mr. Boloyan entered a summary staff report dated September 21, 1999 into the record. A digital photo presentation was provided. Mr. Boloyan stated a minor modification was granted in 1990 to exceed the 40% lot coverage.

The public hearing opened. Pat Nobis, speaking on behalf of the applicant/owner, indicated to the chair he wished to reiterate the comments he made during the previous hearings for 2700 and 2840 Oakmont Drive.

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C. Petersen asked the height of the wall constructed in the large room at the rear of the house. Mr. Nobis responded it is a floor to ceiling wall 8 feet high and he is unsure whether this was done with a permit. The room was in the garage when he purchased the property in 1994.

The following speakers indicated to the chair they wished to reiterate the comments they made during the hearing on the previous item.

Mike Kaiser, Fifth Avenue, the ceiling height in the garage is too low for a legal room. Request should be denied.

Orrin Deland, 2501 Oakmont Drive, asking for approval by default since these rooms are in. There is a lot of traffic and noise from sirens and ambulances. These homes should be spread throughout the city rather than concentrated in one neighborhood.

Veronica Wong, 2720 Oakmont Drive, knew the previous owner and there was no room in the garage. The caregivers do drive, there are ambulance noises, and also people signed the petition without reading it first.

Allan Kaufman, 2880 Oakmont Drive, originated the petition against these homes. His neighbors were outraged and those that signed the petition supporting the request were misled. The applicant knew the room in the garage was illegal; this is all about making money.

Letter submitted by Mr. Kaufman from Victor Aguinaldo, 2800 Oakmont Drive, stated his daughter mistakenly signed the petition in favor. Concerned with the ambulance noise, constant visitors, and commercializing a residential area.

Myrtle Smith, 2620 Muirfield Circle, this was originally a three bedroom home and three additional rooms were converted so the request is not just a room in the garage but the other work done without permits. It is the owner's responsibility to ensure they are comply with the city laws. The issue is about making money, not the elderly.

Mark Tobin, Montgomery Avenue, he sees the problem as the owner not wanting to spend money to build an addition.

Erik Fernandez, 2760 Oakmont Drive, the owner should not take "freebies" but spend money for an addition.

Henry Crosby, Goodwin Drive, referenced agenda item no. 15 (2965 Longview Drive) wherein conditions for approval 4 and 6 prohibit using the property for anything other than a single family dwelling and converting the garage to living area indicating the same conditions relate to these elderly care homes.

Fred Manss, Fleetwood Drive, stated when a room is placed in the garage there is a different set of standards such as meeting commercial parking and safety requirement.

The hearing closed without objection.

M/S Sammut, Birt that the San Bruno Planning Commission deny Parking Exception 99-08 pursuant to the following findings of facts; passed by the following vote:

AYES: C. Sammut, Birt, Petersen, Johnson, Schindler, Marshall  
NOES: None ABSENT: C. Peterson

**FINDINGS OF FACT FOR DENIAL**

1. Proper notice of the public hearing was given by legal notice published in the San Bruno Herald, Saturday, September 11, 1999, and notice mailed to property owners within 300 feet of the project site on September 9, 1999.
2. Noticing of the public hearing, conduct of said hearing, and an opportunity for all parties to present testimony was completed in accordance with the San Bruno Municipal Code, Article III, Zoning, Chapter 12.132.
3. The applicant has been notified, both verbally and in writing herein, of the City's provision for an administrative appeal of the Planning Commission's final action to the City Council as provided for in the San Bruno Municipal Code, Article III, Chapter 12.140.
4. The project is Categorically Exempt per the California Environmental Quality Act (CEQA) Guidelines Class 1, Section 15301: Minor expansion to an existing facility.
5. The proposal is consistent with San Bruno General Plan, which designates the property for use by single-family residential uses.
6. The strict application of the provisions of this Chapter would not cause particular difficulty or undue hardship in connection with the use and enjoyment of 2860 Oakmont Avenue because there are numerous options to increase living space without the conversion of the garage.
7. The establishment, maintenance and/or conducting of the off-street parking facilities as proposed are not in compliance with the requirements set forth in this chapter as are reasonably possible because the proposal will reduce existing off-street parking and substantially increase the demand for the limited supply of on-street parking during the evening and on weekends.
8. The request for a parking exception to allow the legalization of a garage conversion at 2860 Oakmont Avenue will be detrimental to the health, safety, morals, comfort and general welfare of the persons residing in the neighborhood of the proposal because the reduction in off-street parking facilities will place an undue burden on the limited supply of on-street parking spaces on Oakmont Avenue and negatively affect property values because of the lack of a garage.
9. The proposal will be injurious and detrimental to property and improvement in the neighborhood and to the general welfare of the City because the reduction of parking would cause a burden on the supply of on-street parking, be inconsistent with previous Planning Commission decisions to provide as much off-street parking as possible, and negatively affect property values because of the lack of a garage.

(C. Marshall advised of the seven day appeal period).

**13. 1580 Crestwood Drive**

**Request for a Parking Exception for a single-family home to allow the legalization of a garage conversion resulting in zero (0) covered off-street parking spaces where two (2) spaces were provided and required; per Sections 12.100.020, 12.100.090, and 12.100.120.A of the San Bruno Zoning Ordinance. Parking Exception 99-05 (Public Hearing) Environmental Determination: Categorical Exemption Zoning: Single Family Residential (R-1)**

Mr. Padovan entered a summary of staff report dated September 21, 1999 into the record. A digital photo presentation was provided. Mr. Padovan stated parking is not as significant an issue in this case. The property owner has offered to ask for a deed restriction and not allow staff and resident parking on site and that the garage room be converted back to garage area if the property is sold.

The public hearing opened. Cristina Flores-Angelo, the applicant and owner, was present. Ms. Flores-Angelo stated the room in the garage was added, without a permit, after she visited other care homes and saw their

conversion. The room was built by a licensed contractor and has the correct window size, fire door, and electrical and she would like to do whatever it takes to make it right. Parking has never been an issue. This home was a mess when she purchased the property and the neighbors were happy with the upgrade. Her facility has been cleared by the Fire Department year after year. It is her understanding after meeting with the state and fire department that she needs the parking exception before going further with this request.

Ms. Flores-Angelo stated she finds finding of fact no. 8 offensive and hurtful to her as a nurse. She does make a profit from this business and gets the feeling this business is a negative thing to have; however, it is not. She provides care at a ratio of three to one and all staff lives on site.

C. Johnson asked Ms. Flores-Angelo how she would fix the room. In response, Ms. Flores-Angelo stated one way to legalize the room would be to get the parking exception first. She does not want to remove it since that would have a financial negative impact on the residents. C. Marshall asked if consideration had been given to putting a carport in the courtyard area. Ms. Flores-Angelo said this area is used as an outside patio. C. Petersen advised staff would be happy to assist her in rearranging the rooms inside which would be less than an addition.

C. Johnson stated she spoke with Mr. and Mrs. Charles Palomo, Fleetwood Drive, who expressed support for the project and did not feel a professional board and care home was an obstacle to the community.

The following speakers indicated to the chair they wished to reiterate the comments they made during the hearing on the previous item.

Mike Kaiser, Fifth Avenue, the ceiling height in the garage is too low for a legal room. Request should be denied. Added comment that a lot of time is being wasted on these different requests and people should know they need a permit to build a room in the garage.

Orrin Deland, 2501 Oakmont Drive, asking for approval by default since these rooms are in. There is a lot of traffic and noise from sirens and ambulances. These homes should be spread throughout the city rather than concentrated in one neighborhood.

Veronica Wong, 2720 Oakmont Drive, knew the previous owner and there was no room in the garage. The caregivers do drive, there are ambulance noises, and also people signed the petition without reading it first.

Allan Kaufman, 2880 Oakmont Drive, originated the petition against these homes. His neighbors were outraged and those that signed the petition supporting the request were misled. The applicant knew the room in the garage was illegal; this is all about making money.

Letter submitted by Mr. Kaufman from Victor Aguinaldo, 2800 Oakmont Drive, stated his daughter mistakenly signed the petition in favor. Concerned with the ambulance noise, constant visitors, and commercializing a residential area.

Myrtle Smith, 2620 Muirfield Circle, this was originally a three bedroom home and three additional rooms were converted so the request is not just a room in the garage but the other work done without permits. It is the owner's responsibility to ensure they are comply with the city laws. The issue is about making money, not the elderly. San Bruno residents are not uncompassionate.

Mark Tobin, Montgomery Avenue, he sees the problem as the owner not wanting to spend money to build an addition.

Erik Fernandez, 2760 Oakmont Drive, the owner should not take "freebies" but spend money for an addition.

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Henry Crosby, Goodwin Drive, referenced agenda item no. 15 (2965 Longview Drive) wherein conditions for approval 4 and 6 prohibit using the property for anything other than a single family dwelling and converting the garage to living area indicating the same conditions relate to these elderly care homes.

Fred Manss, Fleetwood Drive, stated when a room is placed in the garage there is a different set of standards such as meeting commercial parking and safety requirement. If the contractor built something that did not meet code, his license should be revoked. People need to be put in a safe place.

Robert Benjamin, stated the city is going to have to change its policy.

Dominic Zigant, Mill Valley, said his 95 year old mother resides at this facility and would probably have to be relocated if this is denied since she is the newest resident. His mother needs this type of care and this deals with the effect on other people and consideration should be given to Ms. Angelo to work through this.

Mary Schembri, San Francisco, said her mother is also a resident at this home. She commended the Commissioners for visiting these homes. Her mother is 84 and completely demented. Her mother's relatives were founders of this county. One problem of doubling up people in rooms is there are different levels of dementia and she cannot see her mother sharing a room with someone else since she is unpredictable. This case is different than the others since there is room for one car in the garage and two spaces in the driveway and courtyard. The sound of ambulances should not be an annoyance to the neighbors. The Commission should look at the care of the elderly as a whole.

Peter Schembri, San Francisco, echoed his wife's comments adding elderly people need a place to live out their last days with some dignity.

The hearing closed without objection.

C. Marshall stated the layout of this home is totally different and it appears that additional off-street parking could be provided. C. Johnson said this home did not appear to have walls that were not approved. C. Sammut pointed out there were no letters objecting to this facility and it appears this site has options to provide additional parking.

M/S Petersen, Birt that the San Bruno Planning Commission deny Parking Exception 99-05 subject to the following findings of fact; passed by the following vote:

AYES: C. Petersen, Birt, Sammut, Schindler, Johnson, Marshall

NOES: None                      ABSENT: C. Peterson

**FINDINGS OF FACT FOR DENIAL**

1. Proper notice of the public hearing was given by legal notice published in the San Bruno Herald, Saturday, September 11, 1999, and notice mailed to property owners within 300 feet of the project site on September 9, 1999.

2. Noticing of the public hearing, conduct of said hearing, and an opportunity for all parties to present testimony was completed in accordance with the San Bruno Municipal Code, Article III, Zoning, Chapter 12.132.

3. The applicant has been notified, both verbally and in writing herein, of the City's provision for an administrative appeal of the Planning Commission's final action to the City Council as provided for in the San Bruno Municipal Code, Article III, Chapter 12.140.

4. The project is Categorically Exempt per the California Environmental Quality Act (CEQA) Guidelines Class 1, Section 15301: Minor expansion to an existing facility.



5. The proposal is consistent with San Bruno General Plan, which designates the property for use by single-family residential uses.

6. The strict application of the provisions of this Chapter would not cause particular difficulty or undue hardship in connection with the use and enjoyment of 1580 Crestwood Drive because there are numerous options to increase living space without the conversion of the garage.

7. The establishment, maintenance and/or conducting of the off-street parking facilities as proposed are not in compliance with the requirements set forth in this chapter as are reasonably possible because the proposal will reduce existing off-street parking and substantially increase the demand for the limited supply of on-street parking during the evening and on weekends. In addition, the granting of this parking exception would constitute a special privilege to the operators of the care facility which would not be granted to a single family residence, even though the two uses are required to be viewed as equal.

8. The request for a parking exception to allow the legalization of a garage conversion at 1580 Crestwood Drive will be detrimental to the health, safety, morals, comfort and general welfare of the persons residing in the neighborhood of the proposal because the reduction in off-street parking facilities will place an undue burden on the limited supply of on-street parking spaces on Crestwood Drive and negatively affect property values because of the lack of a garage.

9. The proposal will be injurious and detrimental to property and improvements in the neighborhood and to the general welfare of the City because the elimination of covered parking would cause a burden on the supply of on-street parking, be inconsistent with previous Planning Commission decisions to provide as much off-street parking as possible, and negatively affect property values because of the lack of a garage.

(C. Marshall advised of the seven day appeal period).

**14. 2585 Wentworth Drive**

**Request for a Parking Exception for a single-family home to allow the legalization of a garage conversion resulting in zero (0) covered off-street parking spaces where two (2) spaces were provided and required; per Sections 12.100.020, 12.100.090, and 12.100.120.A of the San Bruno Zoning Ordinance. Parking Exception 99-06 (Public Hearing) Environmental Determination: Categorical Exemption Zoning: Single Family Residential (R-1)**

Mr. Wilson entered a summary of staff report dated September 21, 1999 into the record. A digital photo presentation was provided. Mr. Wilson stated this site has a greater potential for an addition than the other sites.

The public hearing opened. Nora Petiti, the applicant and owner, was present. Ms. Petiti said she added a very small room in the garage without a permit.

The following speakers indicated to the chair they wished to reiterate the comments they made during the hearing on the previous item.

Mike Kaiser, Fifth Avenue, the ceiling height in the garage is too low for a legal room. Request should be denied. Added comment that a lot of time is being wasted on these different requests and people should know they need a permit to build a room in the garage.

Orrin Deland, 2501 Oakmont Drive, asking for approval by default since these rooms are in. There is a lot of traffic and noise from sirens and ambulances. These homes should be spread throughout the city rather than concentrated in one neighborhood.

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Veronica Wong, 2720 Oakmont Drive, knew the previous owner and there was no room in the garage. The caregivers do drive, there are ambulance noises, and also people signed the petition without reading it first.

Allan Kaufman, 2880 Oakmont Drive, originated the petition against these homes. His neighbors were outraged and those that signed the petition supporting the request were misled. The applicant knew the room in the garage was illegal; this is all about making money.

Letter submitted by Mr. Kaufman from Victor Aguinaldo, 2800 Oakmont Drive, stated his daughter mistakenly signed the petition in favor. Concerned with the ambulance noise, constant visitors, and commercializing a residential area.

Myrtle Smith, 2620 Muirfield Circle, this was originally a three bedroom home and three additional rooms were converted so the request is not just a room in the garage but the other work done without permits. It is the owner's responsibility to ensure they are comply with the city laws. The issue is about making money, not the elderly. San Bruno residents are not uncompassionate.

Mark Tobin, Montgomery Avenue, he sees the problem as the owner not wanting to spend money to build an addition.

Erik Fernandez, 2760 Oakmont Drive, the owner should not take "freebies" but spend money for an addition.

Henry Crosby, Goodwin Drive, referenced agenda item no. 15 (2965 Longview Drive) wherein conditions for approval 4 and 6 prohibit using the property for anything other than a single family dwelling and converting the garage to living area indicating the same conditions relate to these elderly care homes. Mr. Crosby stated there is a converted garage next door to him and this should not be allowed.

Fred Manss, Fleetwood Drive, stated when a room is placed in the garage there is a different set of standards such as meeting commercial parking and safety requirement. If the contractor built something that did not meet code, his license should be revoked. People need to be put in a safe place. Mr. Manss said the residents could get a handicapped parking placard.

Pierina Maso, 2581 Wentworth Drive, submitted a petition, containing nine signatures, opposing this request due to parking problems in the area. Ms. Paso stated when two cars are parked in the driveway there is limited access to the front door. There is a wall across the entire garage. When people buy these homes, there is not enough room for everyone so they add these illegal rooms.

The hearing closed without objection.

C. Johnson pointed out this is one of the nicer "illegal" conversions and there is a wall but it does not go across the entire garage.

M/S Sammut, Schindler that the Planning Commission deny Parking Exception 99-06 based on the following finding of facts; passed by the following vote:

AYES: C. Sammut, Schindler, Petersen, Birt, Johnson, Marshall

NOES: None ABSENT: C. Peterson

**FINDINGS OF FACT FOR DENIAL**

1. Proper notice of the public hearing was given by legal notice published in the San Bruno Herald, Saturday, September 11, 1999, and notice mailed to property owners within 300 feet of the project site on September 9, 1999.

2. Noticing of the public hearing, conduct of said hearing, and an opportunity for all parties to present testimony was completed in accordance with the San Bruno Municipal Code, Article III, Zoning, Chapter 12.132.
3. The applicant has been notified, both verbally and in writing herein, of the City's provision for an administrative appeal of the Planning Commission's final action to the City Council as provided for in the San Bruno Municipal Code, Article III, Chapter 12.140.
4. The project is Categorically Exempt per the California Environmental Quality Act (CEQA) Guidelines Class 1, Section 15301: Existing facilities.
5. The proposal is consistent with San Bruno General Plan, which designates the property for use by single-family residential uses.
6. The strict application of the provisions of this Chapter would not cause particular difficulty or undue hardship in connection with the use and enjoyment of 2585 Wentworth Drive because there are numerous options to increase living space without the conversion of the garage.
7. The establishment, maintenance and/or conducting of the off-street parking facilities as proposed are not in compliance with the requirements set forth in this chapter as are reasonably possible because the proposal reduces existing off-street parking and substantially increases the demand for the limited supply of on-street parking during the evening and on weekends.
8. The request for a parking exception to allow the legalization of a garage conversion at 2585 Wentworth Drive will be detrimental to the health, safety, morals, comfort and general welfare of the persons residing in the neighborhood of the proposal because the reduction in off-street parking facilities will place an undue burden on the limited supply of on-street parking spaces on Oakmont Avenue and negatively affect property values because of the lack of a garage.
9. The proposal will be injurious and detrimental to property and improvement in the neighborhood and to the general welfare of the City because the reduction of parking would cause a burden on the supply of on-street parking, be inconsistent with previous Planning Commission decisions to provide as much off-street parking as possible, and negatively affect property values because of the lack of a garage.

(C. Marshall advised of the seven day appeal period).

(A short recess was called).

**15. 2565 Longview Drive**

**Request for a Variance to allow the construction of a new, single-family home resulting in a front setback of 10 ½ feet where 15 feet is required; per Section 12.96.060.D.4 of the San Bruno Zoning Ordinance. Variance 99-08 (Public Hearing) Environmental Determination: Categorical Exemption Zoning: Planned Development (R-1)**

Mr. Wilson entered staff report dated September 21, 1999 into the record. Transparencies of the project were shown.

The public hearing opened. David Bowers, spoke on behalf of the applicant. Mr. Bowers stated a couple of rooms in the house were rotated to reduce the grading of the lot. The civil engineer noticed there might be a problem, hence the request for a variance. The garage was reduced from three car to two car. There are no neighbors to this house except for those lots under construction. Mr. Foscardo stated this variance does not impact the garage or the ability to park in front of the garage. A stop work notice had been placed on this site pending this meeting.

Fred Manss, Fleetwood Drive, stated the discussion is only a corner of the house so cars can still park in front of the house. However, if a car cannot be parked in the driveway, the variance should not be approved.

Henry Crosby, Goodwin Drive, said this unit is already under construction. Mrs. Crosby read a letter dated September 21, 1999 into the record objecting to granting a variance for profit. The original approval was for three bedroom homes up to 2200 sq. ft. not four and five bedroom homes. Also, these lots are on a hilly terrain and could be unstable and subject to landsliding due to heavy moisture or excessive loads. The EIR for this project did not address these larger homes and a supplemental EIR should be provided.

Terry Berardy, Goodwin Drive, supported Mr. Crosby's comments. Goodwin Drive is not that wide a street and his concern with the variance request is they already have built homes at the bottom of the development and construction on top of the hill will impact them.

The hearing closed without objection.

Mr. Foscardo clarified there are no use permits or variances on any of the 40 lots in this subdivision. This is the only lot requesting a variance. There will be no relief on the height of the homes. This variance is requested because of the curve of the lot itself.

C. Schindler asked about changing from three to four bedroom homes and whether the EIR regulates that. Mr. Foscardo responded the EIR does not regulate that and the developer is in compliance with the latest restriction on the size of the houses and parking. The EIR is used as a guideline for measuring impacts not a guide for development.

M/S Birt, Schindler that the San Bruno Planning Commission approve Variance 99-08 subject to the following findings of fact and conditions; passed by the following vote:

AYES: C. Birt, Schindler, Sammut, Johnson, Marshall  
NOES: C. Petersen                      ABSENT: C. Peterson

**FINDINGS FOR APPROVAL**

1. Proper notice of the public hearing was given by legal notice published in the San Bruno Herald, Saturday, September 11, 1999, and notice mailed to property owners within 300 feet of the project site on September 9, 1999.
2. Noticing of the public hearing, conduct of said hearing, and an opportunity for all parties to present testimony was completed in accordance with the San Bruno Municipal Code, Article III, Zoning, Chapter 12.132.
3. The applicant has been notified, both verbally and in writing herein, of the City's provision for an administrative appeal of the Planning Commission's final action to the City Council as provided for in the San Bruno Municipal Code, Article III, Chapter 12.140.
4. An Environmental Impact Report was prepared per the California Environmental Quality Act (CEQA) Guidelines and approved by the San Bruno City Council in January 1988.
5. The variance request to approve construction of a house at 2965 Longview Drive in the College Heights Subdivision which would have a substandard front yard setback will not be injurious or detrimental to the property and improvement in the neighborhood or to the general welfare of the city because the house complies with all other development regulations of the R-1 Zone of the City of San Bruno.
6. The general appearance of the house is in keeping with the character of the neighborhood and will not be detrimental to the adjacent real property.

7. The proposed dwelling will not unreasonably restrict or interfere with light and air on the property and other property in the neighborhood, will neither hinder nor discourage the appropriate development and use of land and buildings in the neighborhood nor impair the value thereof, and is consistent with the design and scale of the neighborhood.
8. The approval of the variance is consistent with the San Bruno General Plan, which designates the property for low density residential purposes.
9. The proposed off-street parking is adequate for the residence based on the standards set forth in the zoning ordinance.
10. The conditions imposed upon this permit will assure that this permit shall not constitute a grant of a special privilege inconsistent with the limitations upon other properties in the vicinity and district in which the subject property is located.
11. Because of the severe slope of the lot in question, the strict application of the zoning ordinance would deprive this parcel of privileges enjoyed by other properties in the vicinity subject to the same zoning requirements.

**CONDITIONS FOR APPROVAL**

1. The applicant shall file a declaration of acceptance of the following conditions by submitting a signed copy of the "Summary of Hearing" to the Department of Planning and Building within 30 days of Planning Commission approval. Until such time as the Summary is filed, V-99-08 shall not be valid for any purpose. V-99-08 shall expire one (1) year from the date of Planning Commission approval unless a building permit has been secured prior to the one (1) year date.
2. The house shall be built according to plans approved by the Planning Commission on September 21, 1999 labeled Exhibit "A," except as required to be modified by the Conditions of Approval. Any modification to the approved plans shall require prior and approval by the Director of Planning and Building.
3. Prior to Final Inspection, all pertinent conditions of approval and all improvements shall be completed to the satisfaction of the City of San Bruno.
4. The residence and garage shall be used only as a single family residential dwelling unit. No portion of the residence or garage shall be rented out as a secondary residential dwelling unit.
5. The applicant shall use exterior building materials as indicated on the plans.
6. The garage shall be maintained and used for off-street vehicle parking for the residence. No portion of the garage as shown on the plans shall be used as living area.
7. The property owner shall comply with the requirements of the San Bruno Recycling Ordinance.
8. The property owners shall conduct regular maintenance of the sites in order to maintain the premises and remove accumulation of litter and debris.
9. All storm water collected from roof downspout, gutters, and on-site drainage shall not be allowed to drain onto neighboring properties.
10. Developer shall confer remaining payment of park in lieu fees upon project completion.
11. Applicant shall file appropriate documentation for lot line adjustment.

12. Obtain encroachment permit and pay all applicable fees before commencement of any construction on the City right-of-way or utilities.
13. All plan details and requirements of the Public Works Department shall be met.
14. Sliding doors and windows which are accessible from the ground (or on a balcony) must have lift out resisting hardware and secondary locks.
15. Materials and debris shall not be stockpiled within the City right-of-way.
16. All pertinent conditions of existing permits shall remain in effect.

(C. Marshall advised of the seven day appeal period).

**16. San Bruno Towne Center**

**Annual review of the Development Agreement for the San Bruno Towne Center pursuant to California Government Code Section 65865.1 and San Bruno Resolution 1986-77. Development Agreement 99-02 (Public Hearing) Environmental Determination: Categorical Exemption Zoning: Planned Development (P-D)**  
Mr. Wilson suggested this item be continued pending submission of information by the applicant.

M/S Johnson, Petersen to continue this item to October 5, 1999; all ayes. Absent: C. Peterson

**17. 516 El Camino Real**

**Request for a Use Permit, Architectural Review Permit, and Parking Exception to allow construction of a 30 room, three story hotel in the General Commercial Zoning District (C-1) resulting in 27 parking spaces where 31 spaces are required and a new building which is viewable from the public right-of-way; per Sections 12.96.110.B.4, 12.100.090, 12.108.010.A of the San Bruno Zoning Ordinance. Parking Exception 99-01, Use Permit 99-23, Architectural Review 99-09 (Public Hearing) Environmental Determination: Negative Declaration (Public Hearing) Zoning: Commercial (C)**

C. Marshall abstained from this item due to a conflict of interest with his employer. C. Birt assumed as chair.

Mr. Boloyan entered staff report dated September 21, 1999 into the record. Transparencies of the project were provided.

The public hearing opened. John Patel, the applicant and owner, was present.

Fred Manss, Fleetwood Drive, stated there is an assumption that this individual only owns the property. They are asking for a four space parking variance but in reality they need five since you can't park two employees cars side-by-side. It would be prejudiced to approve this variance since the Commission has already denied so many this evening.

David Morgan, Olive Court, was present to speak on behalf of the United Methodist Church. Mr. Morgan pointed out Hensley is a very busy and narrow street and offers a lot of problems. Unauthorized people use the church parking lot on a daily basis requiring the church to have the cars towed. There are three congregations that meet at the church as well as numerous community service groups. If there is not enough parking for the hotel, people will park in the church lot. The motel should not be allowed to have more rooms than they can provide parking for. The building looks very nice.

Mike Kaiser, Fifth Avenue, pointed out that Walgreens, Honda, and San Bruno Ford which backs up to Linden Avenue do not have driveways going out to Linden. In this case, the driveway to the parking space on Hensley should be eliminated. The building will be an asset to the area.

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Jim Tandy, Linden Avenue, member of Methodist Church, said the parking is disastrous and the applicant should be required to provide ample parking.

The hearing closed without objection.

C. Petersen said there could be a safety issue with people backing out onto Hensley and also inquired if the windows on the Hensley side would be openable. Mr. Patel responded the windows are openable and he could put a gate on the Hensley side or make these spaces parallel parking. He would like to keep those two parking spaces and it would be better for the employees because they would not be going out often. Mr. Foscardo suggested there could be safety problem if the area is walled off. In terms of the parking issues, 80% is a high occupancy rate and the San Bruno Inn, for example, does not use all of their parking spaces. 10% relief from the parking requirements is well within the city limit. C. Petersen stated that parallel parking is better since people are used to that and it seems to provide a better traffic flow. C. Birt asked if there is any way to prevent people from using the church parking lot. Mr. Foscardo responded it is a private lot and should be posted as such. The hotel parking will be self-contained in that building. C. Johnson asked the color of the building and whether it would have a clock. Mr. Boloyan responded a color scheme is being proposed by the applicant and that is what they will have to do.

The public hearing reopened.

Pat Ceda spoke on behalf of United Methodist Church and requested the Commission deny this request since he fears there will be an overflow of parking in the church lot. Also, children in the area will be at risk with the additional traffic.

Anna Rand, Cottonwood Drive, asked the distance between the location where the cars would be backing out onto Hensley and those driveways on Hensley would cars would also be backing out. Signs have been placed on the church parking lot indicating it is a private lot yet people from the hotel down the street continued to park there. Ms. Rand said she would like to be secure in the fact that the church parking lot will still be available once this hotel is built.

The hearing closed without objection.

C. Petersen stated except backing out onto Hensley (which will be where the employees park) the circulation is all within the lot with entrance and exit from El Camino Real. The concerns expressed by the church are legitimate and the hotel application is reasonable and the number of parking spaces has been increased considerably from the original submittal. Mr. Foscardo said when the church sold the house, which is a part of this property, the applicant combined the parcels and came up with a better plan.

M/S Petersen, Johnson that the San Bruno Planning Commission certify the Negative Declaration and approve Use Permit 99-23, Architectural Review Permit 99-09, and Parking Exception 99-01 pursuant to the following findings of fact and conditions; passed by the following vote:

AYES: C. Petersen, Johnson, Birt, Sammut, Schindler, Marshall  
NOES: None                      ABSENT: C. Petersen

**FINDINGS OF FACT FOR APPROVAL**

1. Proper notice of the public hearing was given by legal notice published in the San Bruno Herald, Saturday, August 28, 1999 and notice mailed to property owners within 300 feet of the project site on August 27, 1999

2. Noticing of the public hearing, conduct of said hearing, and an opportunity for all parties to present testimony was completed in accordance with the San Bruno Municipal Code, Article III, Zoning, Chapter 12.132.

3. The applicant has been notified, both verbally and in writing herein, of the City's provision for an administrative appeal of the Planning Commission's final action to the City Council as provided for in the San Bruno Municipal Code, Article III, Chapter 12.140.

4. If the following Conditions of Approval are adhered to, the Architectural Review Permit, Use Permit and Parking Exception will not unreasonably restrict or interfere with the light and air on the property and other property in the neighborhood, will not hinder or discourage the appropriate development and use of land and buildings in the neighborhood, or impair the value thereof, and is consistent with the design and scale of the neighborhood. The general appearance of the hotel is in keeping with the character of the commercial uses along El Camino Real as well as the residential properties on Hensley Avenue, and will not be detrimental to the adjacent real property because lighting and noise impacts are minimal, landscaping is substantially improved, and the size and scale of this hotel building is similar to others in the area.

5. The hotel as proposed will not be injurious or detrimental to property and improvement in the neighborhood or to the general welfare of San Bruno because the design is aesthetically pleasing and consistent with the surroundings. Furthermore, the impacts to the residences on Hensley Avenue and surrounding areas should be insignificant and the vehicular access on Hensley Avenue will be minimal.

6. That the general appearance of the proposed building, structure, or grounds will be in keeping with the character of the neighborhood, will not be detrimental to the orderly and harmonious development of the city, and will not impair the desirability of investment or occupation in the neighborhood because the use is consistent with the provisions of the General Plan, the vacant and abandoned site will be improved, and the proposal for a Spanish style hotel will enhance the aesthetic cornerstone along this key thoroughfare.

7. A Negative declaration was prepared for the project at 516 El Camino Real in accordance with the provision of the California Environmental Quality Act (CEQA), as amended. It was determined that no significant impacts would result from the 30 unit hotel proposal because the proposed facility is located in an urban environment within a predominantly developed commercial district.

8. The project is consistent with the San Bruno Project Area Redevelopment Plan of July 1999 because the proposal is an upgrade to design on El Camino Real and will implement the provisions of the General Plan.

9. The proposed hotel is consistent with the San Bruno General Plan which designated this property as neighborhood/regional commercial and there are similar uses in the vicinity of this property.

10. That the location, size and intensity of the proposed operation will not create a hazardous or inconvenient vehicular or pedestrian traffic pattern, taking into account this hotel as compared with the general commercial thoroughfare because El Camino Real is a State Highway and reduces the number of driveway cuts onto El Camino Real.

11. That the accessibility of off-street parking areas and the relation of parking areas with respect to traffic on adjacent streets will not create a hazardous or inconvenient condition to adjacent or surrounding uses because the proposal does not allow for access onto Hensley Avenue from the building, there are only four (4) off-street spaces on Hensley Avenue, and the main access to the parking garage will not impact the residences on Hensley Avenue.

12. That sufficient landscape areas have been reserved for the purposes of separating or screening service and storage areas from the street and adjoining building sites, breaking up large expanses of paved areas, and separating or screening parking areas from the street and adjoining building areas from paved areas and to provide access from buildings to open areas. In addition, adequate guarantees are made through the filing of a performance bond and the signing of a Maintenance of Landscaping Agreement



13. That the improvement of this structure to be used as a hotel, as shown on the elevations as submitted, is not detrimental to the character or value of an adjacent residential district because the design is consistent with the surrounding neighborhood and traffic and noise impacts to the neighborhood are minimal.

14. That the proposed development will not excessively damage or destroy natural features, including trees, shrubs, creeks and rocks, scenic corridors, and the natural grade of the site because the site has been previously developed and is located within a predominantly developed commercial district

15. The strict application of the provision of the parking requirements could cause particular difficulty and undue hardship in connection with the use and enjoyment of 516 El Camino Real. The 27 parking spaces is the maximum design potential on the lot of this size and shape and should be adequate because 10% to 15% of guests typically arrive by taxi or shuttle.

16. The establishment, maintenance and/or conducting of the 27 off-street parking spaces as proposed is nearly in compliance with the 31 required spaces as set forth in Section 12.120.A.2 of the San Bruno Zoning Ordinance because it is well within the previously approved applications for Parking Exceptions and there is additional on-street parking being created on El Camino Real. This project is approximately a 10% reduction in the required parking for a hotel. The City has approved three other hotels with a 10% to 15% parking reduction with no adverse impacts.

17. The proposed hotel at 516 El Camino Real will not under the circumstances of the particular case, be detrimental to the health, safety, morals, comfort and general welfare of the persons residing or working in the neighborhood of the proposed hotel because the structure is designed to minimize impacts on surrounding residents and

#### **CONDITIONS FOR APPROVAL**

1. The applicant shall file a declaration of acceptance of the following conditions by submitting a signed copy of the "Summary of Hearing" to the Department of Planning and Building within 30 days of Planning Commission approval. Until such time as the Summary is filed, Use Permit 99-23, Architectural Review Permit 99-09 and Parking Exception 99-01 shall not be valid for any purpose. Use Permit 99-23, Architectural Review Permit 99-09 and Parking Exception 99-01 shall expire one (1) year from the date of Planning Commission approval unless a building permit has been secured prior to the one (1) year date.

2. The Use Permit, Architectural Review Permit and Parking Exception to allow construction of 30 room, three story hotel in the General Commercial Zoning District resulting in 27 spaces where 31 are required and a new building which is viewable from the public right-of-way shall be built according to plans approved by the Planning Commission on September 21, 1999 labeled Exhibit "B," except as required to be modified by these Conditions of Approval. Any modification to the approved plans shall require prior approval by the Director of Planning and Building.

3. The applicant shall obtain a City of San Bruno building permit before construction can proceed.

4. Prior to Final Inspection, all pertinent conditions of approval and all improvements shall be completed to the satisfaction of the City of San Bruno.

5. All mechanical equipment (i.e., air conditioning units, meters, and transformers) and appurtenances not entirely enclosed within the structure (on the side of the building or roof) shall be screened from public view. The method used to accomplish the screening shall be indicated on the building plans and approved by the Department of Planning and Building prior to the issuance of a building permit.

6. The vent grills for the air conditioning units on all sides of the building shall be painted to match the building.

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7. All landscaping shall be installed prior to occupancy of the building (issuance of a Certificate of Occupancy) or the property owner shall post a bond in the amount of the estimated landscaping cost with the City of San Bruno.

- All landscape plans shall meet the requirements of the San Bruno Parks and Recreation Department. The applicant shall enter into a Maintenance of Landscaping Agreement with the City of San Bruno prior to occupancy of the new hotel to be maintained in a healthy and thriving condition, free of weeds and debris. Failure to maintain this agreement shall result in calendaring this project for revocation of the permit.
- All landscaping shall be connected by an automatic irrigation system and this system shall be indicated on the building plans and approved by the Department of Planning and Building prior to the issuance of a building permit.
- The applicant/property owner shall conduct regular maintenance of the site in order to maintain the premises and remove accumulation of litter and debris.

8. The applicant shall provide and maintain at least two guest rooms along with the manager's unit as handicapped accessible.

9. All lighting fixtures in the parking lot and on eastern side of the building shall direct light downward and shall be equipped with shades to focus lighting onto the parking lot, not onto adjacent properties. The lighting on the El Camino Real, Sylvan Avenue, and northern facades may be directed upward to provide lighting onto the building shall be indicated on the building plans and approved by the Department of Planning and Building prior to the issuance of a building permit.

10. After the issuance of a certificate of occupancy, all exterior lighting shall be subject to a 30 day lighting level review by the Planning Staff to insure compatibility with the residences on Hensley Avenue.

11. Plans shall be submitted and approved by the San Mateo County Health Department for the spa/exercise room and the breakfast room.

12. The manager's unit, breakfast room, director's office, and spa/exercise room shall not be converted to a rentable guest room without obtaining an amendment to the approved Use Permit and Parking Exception.

13. The applicant shall merge the two parcels (Assessor's Parcel Numbers 020-145-360 and 020-145-370) and the subsequent parcel to be acquired on Hensley Avenue prior to issuance of any building permits.

14. Signage on the property shall be limited to the following:

- Two illuminated cabinet signs on the north tower with one sign facing east and the other facing north.
- Individual lettering on the awning above the lobby entrance fronting both El Camino Real and Sylvan Avenue.
- Directional and informational signs under four (4) square feet may be placed in the parking area or on the building to indicate vacancy and rating agency, and other similar information.

15. The motel operator shall provide a shuttle service (possibly in conjunction with the other hotels in San Bruno or surrounding area) to compensate for the shortage of parking spaces.

16. All components of the clock shall be regularly maintained and kept functional in a state.

17. Opening into parking garage must be a minimum of five (5) feet from property line.

18. The manger's office shall have an accessible restroom
19. Complete plan check shall be conducted at the time of building permit plan check submittal.
20. Submit sprinkler and alarm plans prior to the issuance of building permits. All Sprinkler systems shall meet the requirements of the N.F.P.A. #13. San Bruno Fire Department requires bathroom, closets, and pantries to be fire sprinklered.
21. Street trees shall be review by the Parks and Recreation Department.
22. Address number shall be at least 8" high, on a contrasting background, easily visible from El Camino Real, and lighted during hours of darkness.
23. Non glass exterior doors (wood or metal) shall be a minimum of 1 3/4 " thick and if wood shall be solid core. All doors shall have a dead bolt locking system with a bolt throw of at least 1".
24. Any sliding glass doors and windows shall have lift out resisting hardware and secondary locks.
25. The applicant should consider installing an off-site monitored burglary alarm system.
26. If there are any glass or glass-like skylights on the roof, they shall be provided with rated burglary resistant glass or glass like acrylic material; or iron bars of at least one-half (1/2) inch round or one (1) by one fourth (1/4) inch flat steel material spaced not more than five (5) inches apart under the skylight and securely fastened; or a steel grill of at least one-eighth (1/8) inch material or two (2) inch mesh under the skylight and securely fastened.
27. Lighting in the front door setback and around the exterior of the business must be a minimum of 1 foot candle maintained during the business hours of darkness. The lighting around the business should be activated during the hours of darkness by timer or photocell.
28. A 190 degree peep viewer shall be installed in all guest rooms and any access door to the public.
29. Any door glass or any window within 40 inches of the door locking mechanisms shall have a burglary resistant glazing or be equivalently resistant.
30. The parking garage area shall have a Closed Circuit television system installed which is capable of recording the parking area on a continuos basis over a minimum 24 hour period. It shall be the responsibility of the owner to regularly maintain and monitor said system. The system shall cover doors, exits, and other areas where criminal activity could occur.
31. Submit improvement plan along the frontage to the Public works Department for review and approval. All improvements such as sidewalk and driveway, shall be designed to City standards and to accepted engineering design standards. The City Engineer has all standards on file and the Engineer's decision shall be final regarding the specific standards that shall apply.
32. Show drainage from the roof gutter. Storm water must be intercepted by an underground system or drain to the street using an under sidewalk cross drain.
33. Submit a current title report to the City for review. Show all easements in the property. Designer shall ensure the building is not encroaching onto any existing easements or utilities before commencing the design.
34. Remove and replace all broken concrete sidewalk, curb, and gutter fronting the property on El Camino Real and Sylvan Avenue.

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35. Show size of sewer and water line. Submit hydraulic calculation for sewer and water. Pay all applicable connection fees. Install backflow devices and sewer cleanout per City standard.
36. Show size of water service for irrigation line at planter areas. Install backflow devices and sewer cleanout per City standard.
37. Obtain an encroachment permit and pay all applicable fees before commencement of any construction on the City right-of-way.
38. See *Commercial Building Permit Application Requirements* attached.
39. Remove existing unused driveway on Hensley Avenue, Sylvan Avenue, and El Camino Real.
40. Obtain a California Department of Transportation encroachment permit for any work on the State right-of way along El Camino Real.
41. Resolve the issue about obtaining the property on Hensley Avenue for the four (4) parking spaces proposed along Hensley Ave.
42. Repave Hensley Avenue fronting the property and the above mentioned parking spaces.
43. Item #'s 31-42 must be resubmitted and reviewed by Public Works Department prior to issuance of the building permit.
44. The applicant shall revise the plans changing the two angled employee parking spaces on the northeast corner of the property to one parallel parking space.

(C. Marshall advised of the seven day appeal period).

**18. Specific Plan Study Session**

**Request for public comment for a proposed specific plan for properties bounded by Cherry Avenue, Sneath Lane, El Camino Real, and I-380 excepting the Airport Trade Center properties, the lands owned by the Church of Jesus Christ of Latter Day Saints and the medical building at 1001 Sneath Lane. Environmental Determination: Environmental Impact Report Zoning: Administrative Research (A-R) Neighborhood Commercial (C-N) High Density Residential (R-4) Open Space (O) (Public Comment)**

Mr. Padovan advised staff is commencing work on the Circulation Section of the Plan and a draft of that will be available shortly. Comments from the Commissioners are welcome. Also, staff is trying to set up a tour of the existing facilities.

The item opened for public comment. Fred Manss, Fleetwood Drive, said the Navy has to come up with the funding to relocate and the normal process of doing this is about six years.

Mark Tobin, Montgomery Avenue, indicated Measure C was a good plan and a high rise hotel should be a part of the development.

John Russo, El Camino Real, said his primary concern is displacing his property and asked who would decide where the intersection would be placed. Dr. Russo inquired if he would be notified when meetings are being held between the city and private parties regarding his property and whether traffic studies were made at the Sneath Lane/I-380 intersection.

Mr. Foscardo asked Dr. Russo to submit any of his concerns in writing and they would be addressed accordingly. Also, he would not be eligible to sit in on private meetings. In terms of signalization, CalTrans would be the approving agency. The final intersection will be a combination of how it serves Tanforan and the

Navy site and it is possible that Dr. Russo's property will not have to be taken. The cost will be borne by BART, Tanforan and the Navy. This is also a part of the North Areawide Traffic Study and a lot of people have already put money into that including the Towne Center, Bayhill, Tanforan, and some smaller property owners. Notification will be sent to property owners and a committee will be formed as things progress.

The hearing closed without objection.

C. Marshall asked if any developers have come forward. Mr. Foscardo responded the city has been talking with senior housing developers and there has been a lot of interest shown in this site.

**19. City Staff Discussion - None**

**20. Planning Commission Discussion**

C. Johnson asked the outcome of the letter that went to Moe's Market regarding the parking problems. Mr. Foscardo responded a lot of the cars have been removed.

**21. Adjournment**

The meeting adjourned at 1:30 A.M. by motion made and passed unanimously.

Respectfully submitted,

George D. Foscardo, Planning Commission Secretary

Janet Aki, Recording Secretary